

**KANAB CITY PLANNING COMMISSION MEETING
FEBUARY 21, 2012
KANE COUNTY COMMISSION CHAMBERS**

PRESENT: Chairman Arlon Chamberlain, Members Tom Avant, Dennis Day, Dave Borup, Byard Kershaw, Jim Sorenson and Terril Honey. Member Teresa Trujillo absent. Staff Members Darrin Janes of Five County and Building Inspector Russ Keller.

WORK MEETING: Discussion of Agenda items

Chairman Chamberlain opened the regularly scheduled meeting at 7:00 p.m.

APPROVAL OF MINUTES: A motion was made by Member Honey and 2nd by Member Avant to approve the minutes of the August 16, 2011 and September 20, 2011 meetings and also the January 17, 2012 and February 7, 2012 meetings as corrected. Motion passed unanimously. Member Trujillo absent.

PUBLIC HEARING ON POTENTIAL RECOMMENDATION TO THE CITY COUNCIL FOR ORDINANCE TO AMEND THE KANAB CITY LAND USE ORDINANCE (1) TO MAKE VARIOUS CHANGES TO PERMITTED AND CANDITIONAL USES IN THE MANUFACTURING AND COMMERCIAL ZONES, (2) TO CHANGE ALLOWABLE EXCEPTION TO HEIGHT RESTRICTIONS. THESE CHANGES WOULD AFFECT CHAPTERS 4, 20 AND 21 OF THE LAND USE ORDINANCE:

A motion was made by Member Sorenson and 2nd by Member Kershaw to go into Public Hearing. Motion passed unanimously. Member Trujillo absent. In regards to the Religious Land Uses Member Sorenson stated that Kanab City is compliant with the Religious Land Use and Institutionalized Persons Act (RLUIPA) and quoted Section 2(b)(1) of the RLUIPA “no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” Proposed revisions to Chapter 20 (Commercial Zones- Land Use Chart) include modifying permitted and conditional use classifications for several specific land use designations. Proposed revisions to Chapter 21 (Manufacturing Zones- Land Use Chart) include modifying permitted and conditional use classifications for several specific land uses designations.

Revisions are as follows:

1. Proposed revisions to Section 4-12 (Exceptions to Building Height Limitations) include removing the following language:

“or similar equipment required to operate and maintain the building and”
“or other architectural features”
“smokestacks”
2. Proposed revisions to Section 21-3 (Height Regulations) included adding the following language.

“No exception or conditional use permits shall be granted for smokestacks in any district within Kanab City Limits. Smokestacks shall not exceed the height limits of the underlying zone as defined in Chapter 15-3.”

3. Proposed revisions to Chapter 21 (Manufacturing Zones) include modifying the land use chart to remove the land use designation “Off-Site Hazardous Waste Treatment and Storage Facilities”

Chairman Chamberlain opened the meeting to public comment. Joan Thatcher stated in the last meeting on February 7, 2012 there was discussion of implementing definitions of chimney and smokestacks. Member Honey stated that the City needs to come up with a clear definition of chimney because it is referred to in Chapter 21 5-3. Jim Walls asked the members by eliminating hazardous waste does this leave it open for future development? Member Sorenson responded by saying that the individual would have to submit a petition for a land use ordinance revision. Jim Walls commended the members for all their hard work. And Joan Thatcher stated that she appreciates the members for removing hazardous waste and she would sleep better at night knowing that they have done so. Chairman Chamberlain entertained a motion to move out of public hearing so moved by Member Avant and 2nd by Member Honey. Motion passed unanimously. Member Trujillo absent.

Member Honey stated that the City should have a definition of chimney/smokestack with any other process moving forward. Darrin Janes stated that the definition should be ran through legal first. Further discussion on the definition of smokestack and chimney. Member Avant suggested looking at the DEQ for a definition of chimney. Chairman Chamberlain made a motion to recommend to the City Council changes discussed to the Religious Land Use ordinance and the Manufacturing Land Use chart. Motion died for lack of 2nd. Member Honey made a motion to recommend to the City Council to adopt the changes from Planning and Zoning to Chapters 4, 20 and 21 of the Land Use Ordinance with the findings that these changes have been reviewed by legal staff and a public hearing has been held to take public comment and Kanab City staff made recommendations that these changes be adopted and that they are consistent with the general plan. Motion 2nd by member Avant. Motion passed unanimously. Member Trujillo absent.

CONSIDER APPROVAL OF SITE PLAN FOR WARREN ENERGY AT 1089 SOUTH CHINLE DRIVE, KANAB:

Chairman Chamberlain stated the concerns that planning commission has are if the items listed have been addressed and if they have been approved by Alpha Engineering to make sure things are in order before it's approved by the Planning Commission. Darrin Janes stated that on the six points Alpha has raised in their recommendation letter, It is up to the Planning Commission to review these items from the Land Use Ordinance stand point. Member Sorenson stated that he still had concerns with the Planning Commission approving the site plan before the City has received a final approval letter from Alpha. Member Avant stated that he would like to see an inset gates on this property for the delivery trucks to pull off of the main street while locking and unlocking the gate. The Members felt that the issues that need to be addressed were: lighting, clear view triangles and gate setbacks. Chairman Chamberlain entertained a motion. Member Avant made a motion to approve the landscape plan as presented and the site plan with the following conditions: that the south light pole be moved adjacent to the south entrance and the north light pole be moved between the north entrance and the 18,000 gallon storage tank, provide a pop out in the entrance gates and on the north entrance

gate to include a minimum of 10 extra feet besides the length of their delivery trucks, address the clear view site distance as addressed by Alpha Engineering and also get a final letter of approval from Alpha. They must also provide a full size drawing for signature approval. Motion 2nd by Member Day. Motion passed unanimously. Member Trujillo absent.

CONSIDER APPROVAL OF CONDITIONAL USE PERMIT FOR ELECTRONIC SIGN FOR KANE COUNTY OFFICE OF TOURISM AT 78 SOUTH 100 EAST, KANAB:

Betty Colston was in attendance to represent the Kane County Office of Tourism and gave the members a brief description of the sign. She stated that it would be a community digital sign in full color, 3 foot by 10 foot double sided. Chairman Chamberlain entertained a motion to grant the conditional use permit to the Kane County Office of Tourism. Member Honey made a motion to grant the conditional use permit to the Kane County Office of Tourism to have an electrical message sign at their location that is consistent with chapter 7 item 23- Changeable Copy Signs/ Reader Board Signs/ Electronic Message Signs or Centers and that staff has reviewed this and made the same recommendation. Motion 2nd by Member Avant. Motion passed unanimously. Member Trujillo absent.

CONSIDER APPROVAL OF SITE PLAN FOR TYKO DEVELOPMENT AT 1143

SOUTH HIGHWAY 89A, KANAB: Chairman Chamberlain made a motion to table Tyco Development for lack of information. Member Avant so moved. Motion 2nd by Member Kershaw. Motion passed unanimously. Member Trujillo absent.

CONSIDER RECOMMENDATION THE KANAB CITY COUNCIL REGARDING LANDSCAPE PLAN AT 175 EAST CUL-DE-SAC AND FIRE STATION:

Member Honey stated that he could not tell if the drawing that the City had submitted met all the requirements in the landscaping ordinance. Member Sorenson felt that the drawing did not meet all the requirements in chapter nine and wanted to know if the City felt they should be exempt from their own ordinance. Member Honey stated that if the City felt they were exempt then they never should have come to the Planning Commission with the issue. Chairman Chamberlain felt that the City should set the example for everyone else. Honey stated that the City should meet all the standards in Exhibit B, and the city swimming pool had met all city requirements on their site plan. Member Honey stated that the recommendation to the Kanab City Council is for the City to submit a landscape plan that is consistent with the ordinance. Chairman Chamberlain entertained a motion to table the item until they have information that is consistent with the ordinance. Member Honey made a motion. Motion 2nd by Member Borup. Motion passed unanimously. Member Trujillo absent.

ELECT PLANNING COMMISSION CHAIRMAN AND CHAIRMAN ELECT (SEE KANAB CITY LAND USE ORDINANCE 2-6:

Member Avant nominated Arlon Chamberlain as Chairman and Member Honey nominated Byard Kershaw as Chairman Elect. Member Honey entertained a motion to close the nominations. Member Day made a motion. Motion 2nd by Member Sorenson. Motion passed unanimously. Member Trujillo absent. Member Sorenson made a motion to accept nominations as they stand, Arlon Chamberlain as Chairman and Byard Kershaw as Chairman Elect. Motion 2nd by Member Avant. Motion passed unanimously. Member Trujillo absent.

A motion to adjourn was made by Member Avant and 2nd by Member Sorenson. Motion passed unanimously. Member Trujillo absent.

CHAIRMAN

DATE